IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.33 OF 2006.

Namdeo @ Mahadeo Rama
Nagargoje and another. ... Appellants.
Versus.
Sadashiv Vithoba Nagargoje & ors. ... Respondents.

Shri A.P.Kulkarni for the Appellants.

CORAM : ABHAY S.OKA, J.

DATED : 3rd April, 2006.

P.C.:

1. Heard the learned Advocate for the Appellants. The following substantial questions of law arise in the Second Appeal:

i) Whether the Courts below ought to have held that the suit filed by the Plaintiff was not maintainable on account of non-joinder of Sevantabai, daughter of Rama inasmuch as even going by the averments made in the plaint, the said Sevantabai will inherit a share in the undivided share of Nivrutti who was the third son of Rama ?

ii) Whether the Appellate Court committed an error by holding that Namdeo and Vithoba were the only legal representatives of deceased Nivrutti ?

2. Second Appeal is admitted on the aforesaid substantial questions of law.

3. Printing is dispensed with. The Appellants are directed to file private paper book along with sufficient number of copies thereof within a period of one year from today. If the paper book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the Court.

3. In addition to service through Court, the Advocate for the Appellants is directed to serve private notice to the Respondents by Registered Post A.D. and/or Speed Post A.D. and/or by hand delivery. Hamdast allowed.

Judge.